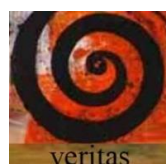


# Organised Violence and Torture in Dealing with Protests in Zimbabwe.



December 2021



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## Introduction<sup>1</sup>

This is the fourth in a series of reports on the history of Organised Violence and Torture (OVT) in Zimbabwe. Previous reports have dealt with the Liberation War, Elections and Displacements. The release of this present report comes at a time when the country is moving inexorably into election mode, and elections are always periods in which OVT is an ever-present threat, and, too frequently, an ever-present reality. It also comes at a time when the citizenry is facing increasing hardship because of the poorly functioning economy, exacerbated by the Covid-19 pandemic, and there is the probability of increasing public protest, with the likelihood of these being dealt with by coercion rather than tolerance.

The right to protest is protected in several ways in the amended Zimbabwe Constitution, specifically in Chapter 4 (Part 2). This is expressed in several sections: Section 58 (Freedom of Assembly and Association) and Section 59 (Freedom to Demonstrate and Petition) both protect this, but, of course, there are other applicable sections that are related to the right to protest. Since 2000, these rights have been more denied than honoured by the government, and peaceful protest has been met with disproportionate violence, arbitrary arrest, and detention, and, too frequently with torture. This has not changed under the present regime, either before the election in 2018 or subsequently.

The consequences of this denial, and the draconian methods for dealing with legitimate protest, have led to the situation in which citizens are afraid to participate in public affairs other than by voting. This is graphically shown by the findings of the Afrobarometer surveys since 1999: political fear is major reason for the lack of social capital, citizen agency, and, until recently, even for participating in elections. Frequently described as apathy, political fear dominates the Zimbabwean political landscape, with the result that the most important aspect of citizen agency, participating in public life *between* elections, has all but disappeared. In the words of one political scientist, Zimbabweans have become “risk averse” and the extent of this risk aversion well-demonstrated by empirical research.<sup>2</sup>

Many political scientists point out that political trust is a critical factor in states being able to govern, pass policies, and deliver services with the consent of the citizenry. Political trust,

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<sup>1</sup> This report was produced by the Research and Advocacy Unit (RAU) for the Votaer consortium. The consortium is comprised of the Counselling Services Unit (CSU), Heal Zimbabwe Trust (HZZT), Research and Advocacy Unit (RAU), VERITAS, and the Zimbabwe Human Rights NGO Forum.

<sup>2</sup> Masunungure, E., Reeler, A., Kokera, R., Mususa, D., Ndoma, S. & Koga, H (2016), *Are Zimbabweans Revolting?* March 2017. MPOI & RAU.

however, is produced by a reciprocity between state and citizen: it is not merely that citizens trust governments that deliver on their promises and are able to deliver public goods and services, but also depends on the extent to which governments themselves trust their own citizens.<sup>3</sup> In fact, political trust is a diminished property of the Zimbabweans citizenry since 1999.<sup>4</sup> Bluntly, few Zimbabweans trust the government, and Organised Violence and Torture (OVT) is a major factor in causing this and creates sustained political fear.

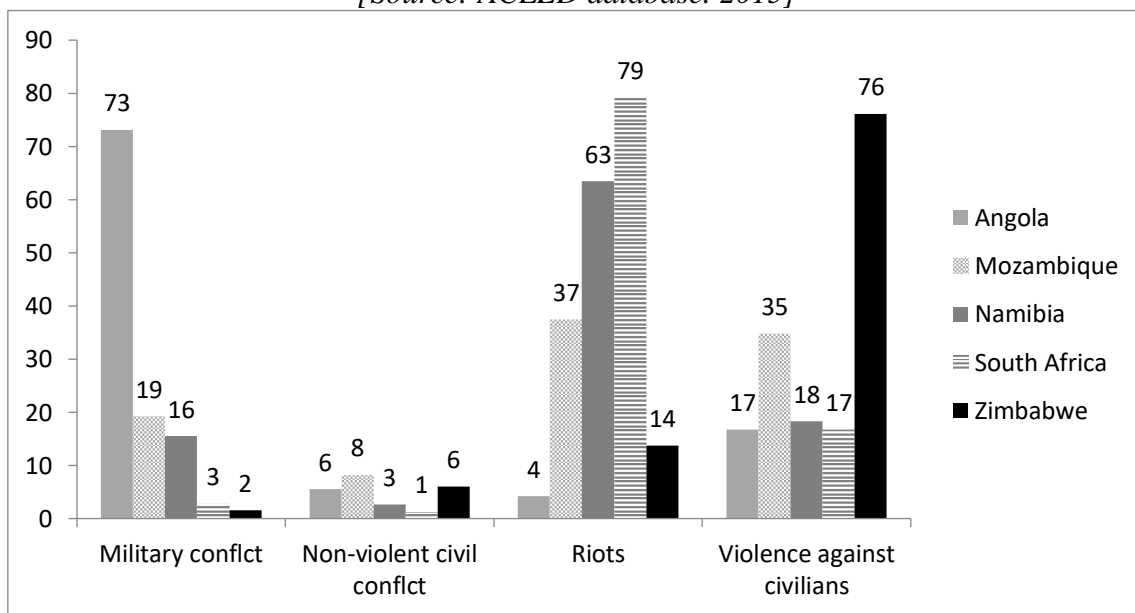
Previous reports have examined the effects of OVT on Elections and OVT and Displacements, as well as OVT during the Liberation War. but OVT is not merely seen during elections alone, but is a feature of times outside elections, and especially when citizens wish to express their views through peaceful protest. This is the focus of this report: **Organised Violence and Torture in Dealing with Protests in Zimbabwe.**

## Dealing with Protest

One of the key features of a democratic state is the protection of citizens’ basic freedoms, usually seen in the rights to free speech, association, and movement. These are protected in the ability of citizens to hold peaceful demonstrations, and this is protected in the Zimbabwe Constitution in the Bill of Rights.<sup>5</sup> However, since 2000, and even since the passing of the new Constitution in 2013, these protections are honoured more in the breach than the observance by the Zimbabwe government.

**Fig.1: Types of violence as percentages of total violence recorded, 1997 to 2014 (%)**

[Source: ACLED database. 2015]



A broad overview of the abrogation of these rights is provided in this comparative analysis of political violence in the SADC region.<sup>6</sup> Comparing countries governed currently by former liberation movements – Angola, Mozambique, Namibia, South Africa, and Zimbabwe – it was

<sup>3</sup> Levi, M. & Stoker, L (200), Political Trust and Trustworthiness, *Ann. Rev. Polit. Sci.*, 3, 475-507.

<sup>4</sup> RAU (2019), Political Trust in Zimbabwe over time. August 2019. Harare: Research and Advocacy Unit

<sup>5</sup> Constitution of Zimbabwe Amendment (No.20) Act. 2013, Chapter 4, Part 2, Sections 48 to 78.

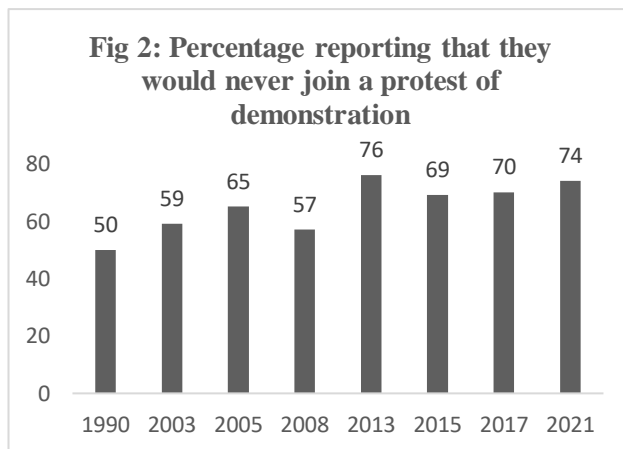
<sup>6</sup> RAU (2016), *Are former liberation movements inherently violent as governments?* February 2016. Harare: Research & Advocacy Unit.

evident that Zimbabwe was the most violent of the five countries, violence was strongly associated with elections, and a disproportionate amount of the violence directed at citizens.

It is evident violence against citizens is much more common in Zimbabwe than the other four countries, and, furthermore, this violence is unrelated to riots that are comparatively uncommon. South Africa, by contrast, has a very high frequency of riots. Now, obviously riots should be dealt with by the state, as was the case with the Food Riots in 1999, but the methods should be proportionate and not excessively violent.

The use of disproportionate force is a continuous problem in Zimbabwe, as was seen in the 1980s in dealing with student protests at the University of Zimbabwe. However, there were also occasions where the protests of the students constituted “riotous behaviour”, for example in the demonstrations following the death of the Mozambican President, Samora Machel.<sup>7</sup> On other occasions, however, the response of the Riot Squad of the ZRP was excessively brutal, and the decade ended with marked antagonism between the students and the government, with many of the student leaders becoming important members of the Movement for Democratic Change (MDC).<sup>8</sup>

Whilst the government clearly felt a threat from the students, as well as the now-assertive Zimbabwe Congress of Trade Unions (ZCTU), this paled into insignificance with first the threat of the NCA, and, more importantly, the establishment of the Movement for Democratic Change (MDC). The national base of both these bodies meant that protest became a more serious problem for the government, which it met with coercive power. The first event that heralded this change of attitude came on 1 April 2000 with the violent attacks by war veterans and ZANU-PF supporters on the *Peace March* in Harare (see below).<sup>9</sup>



It must be noted, however, that Zimbabweans are not much given to protest and demonstration, and presumably this is related to an extent by the perception that protest is met with force. This is strongly suggested by the Afrobarometer surveys since 1999. It is evident that the trend shows increasing reluctance and continues to the present.

<sup>7</sup> “Machel’s death sets off riot in Zimbabwe”, New York Times, 22 October 1986. [\[https://www.nytimes.com/1986/10/22/world/machel-s-death-sets-off-a-riot-in-zimbabwe.html\]](https://www.nytimes.com/1986/10/22/world/machel-s-death-sets-off-a-riot-in-zimbabwe.html)

<sup>8</sup> Hodgkinson, D (2013), The ‘Hardcore’ Student Activist: The Zimbabwe National Students Union (ZINASU), State Violence, and Frustrated Masculinity, 2000–2008. *Journal of Southern African Studies*, 39:4, 863–883, [\[http://dx.doi.org/10.1080/03057070.2013.858538\]](http://dx.doi.org/10.1080/03057070.2013.858538)

<sup>9</sup> ZHRNGOF (2000), *The Unleashing of Violence: A report on violence against peaceful protestors in Harare*. A report compiled by the Zimbabwe Human Rights Non-Governmental Organisations Forum. April 2000, Harare: Zimbabwe Human Rights NGO Forum.

Perhaps the best evidence about the continuous use of violence against peaceful protest and demonstrations has come from the documentation of the OVT meted out to the National Constitutional Association (NCA) and Women of Zimbabwe Arise (WOZA). Both these civil society organisations frequently exercised their rights to the basic freedoms underpinning peaceful protest, and frequently met with violence and ill-treatment. This is shown in the two following sections, and here we pay particular attention to the violations against women. We should also point out that protest by the MDC has very frequently been met with violence, and this is well described in our report on OVT and Elections.

We also briefly report on the Peace March in 2000, where peaceful marchers in Harare were attacked by thugs marching from ZANU-PF headquarters.

### ***The Peace March (1 April 2000)***<sup>10</sup>

The National Constitutional Assembly, a grouping of various civic, religious, and political organisations, organised what it called a peace march in Harare on 1 April 2000. This march was widely publicised with notices in the newspapers and posters. There was a dispute between the NCA and the Zimbabwe Republic Police over the holding the march, with the Minister of Home Affairs, Dumiso Dabengwa, and the police advising the NCA not to go ahead as there was a war veteran meeting taking place the same day. The NCA argued that it had fulfilled its obligation by notifying the police in writing, obtaining a court order that the march was lawful.

On the day of the march, the police tried to prevent this march from taking place. They cordoned off the entire city, mounting many roadblocks on the main roads leading to the city centre. The police searched all vehicles for weapons and turned back buses and other vehicles found to be carrying or suspected to be carrying persons who were intending to join in the protest march. All persons found wearing NCA or MDC tee shirts were turned back by the police.

The march was scheduled to start from Causeway Post Office at 9.00 am. At about 8.30 a small number of marchers had gathered at the starting point where there were several reporters and a sizeable body of police present. A member of the NCA presented to the Officer in Charge the High Court order ordering that the march be allowed to proceed. This officer advised that at the roadblocks around the city they had confiscated a lot of weapons from ex-combatants, but they had not arrested the persons from whom these weapons had been confiscated. When asked why these persons had not been arrested, the officer was alleged to have replied: “*You know what politics is like.*”<sup>11</sup> The protestors were told by the police that the march had been banned and that they must disperse. The police were asked under which law the demonstration had been banned, but they refused to respond to this question. The police did tell a member of the Media Monitoring Project that the police wanted to stop the march because the war veterans had also applied to demonstrate, and the police feared violence.

As the marchers were turning from First Street into Union Avenue to go to Africa Unity Square, they were set upon by a group of at least 200 armed men and some women. This group had set off from ZANU (PF) headquarters in Rotten Row. They were carrying various weapons such as pick handles, iron bars, axes, and strands of barbed wire. They had also armed themselves with branches they had broken off trees and with large stones they picked up. Films taken of

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<sup>10</sup> This excerpt is taken from the report compiled by the Zimbabwe Human Rights NGO Forum. See ZHRNGOF (2000), *The Unleashing of Violence: A report on violence against peaceful protestors in Harare*. A report compiled by the Zimbabwe Human Rights Non-Governmental Organisations Forum. April 2000, Harare: Zimbabwe Human Rights NGO Forum. We cite much of this in detail because the pattern that applied on this day was so like the subsequent attacks on civil society groups and opposition political parties

<sup>11</sup> Verbal report from Mr B Kagoro.

this group of armed men clearly show that, although there were some people who were old enough to have been war veterans, there were many persons in the mob who were obviously too young to have been fighters in the liberation war.

The armed men obviously knew exactly where the marchers were at that point because they proceeded directly to the place where the marchers were located. They went past some contingents of riot squad who made no attempt to stop them. A few members of the riot squad attempted to interpose themselves between the armed mob, but the mob simply swept past them. The numbers of riot squad on the spot were small and they were greatly outnumbered by the attackers. The question remains why the police had not been monitoring the movements of the “war veterans” and had not been prepared to intercede if these persons displayed belligerent intentions.

The war veterans claimed that they were simply defending themselves after they had been attacked by having stones thrown at them and they had used sticks taken away by the marchers. There is no doubt whatsoever that this is entirely false. All witnesses to the course of events testify that the marchers were completely unarmed and that they were attacked by a mob carrying sticks, stones, and other weapons. There was film footage that proved beyond any doubt that this is what happened.

After the attackers had swept past the police, they launched a vicious attack upon the peace marchers. People fled in terror. Amongst the fleeing people were shoppers and bystanders who were not part of the peace march. A barrage of stones was flung at the fleeing people. Several people were hit on the head and various other parts of their bodies by the stones. Some were badly injured. People were chased and beaten with sticks and various other implements including in one case a strand of barbwire. Whites were particularly targeted during this attack and several women were injured, including two women who were trying to assist an elderly black and a blind man to get out of the way of the attackers. Some of the injured had not taken part in the march such as a white man who was attacked after he had come out of his bank. Only after the thugs had swept past did the police intervene by throwing tear gas to disperse people.

After the attackers had swept through the city attacking people they first proceeded to the ZANU (PF) Harare Province Headquarters. Thereafter they went to the ZANU (PF) Headquarters in Rotten Row. At least some of the attackers were picked up and transported in white trucks. The chairman of the Harare Province War Veterans Association, Mr Douglas Mahiya, addressed them. He told them:

*“The NCA and MDC must not demonstrate against us. The NCA and other church members should not provoke us.”<sup>12</sup>*

He is also alleged to have made the following statements. He said that the war veterans should keep pressure on and should attack MDC supporters wherever they found them. What was happening was only the beginning:

*“We need to show them that we are the ones who are the legitimate rulers of this country. It’s our legitimate right to rule this country forever whatever the outcome of the elections. What MDC is aiming at is to give this country back to the British. We will not allow this even if it means going back to the bush to stop them.”*

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<sup>12</sup> *Sunday Mail* 2 April 2000.

No arrests were made of any of the persons who perpetrated the violence. There was no condemnation of this violence by any members of government. This created the impression that the government either approved what happened or at least condoned it.

It turned out that this was the last large-scale protest by civil society organisations and citizens on any “political” issue for nearly ten years. Those who wished to protest thereafter were aware of the possible consequences and were forced to become both more imaginative and frequently did not announce the protest in advance. This latter course of action, of course, then led to claims about “unlawful” demonstrations, and, in any event, the ZRP only allowed any demonstrations or marches that were benign in their socio-political implications.

### ***Violence against the National Constitutional Association (NCA)***

The NCA became a powerful organisation in the late 1990s through its advocacy for a new constitution. This resulted in the organisation developing a large national constituency of churches, labour, the women’s movement, civil society organisations and ordinary citizens. Its impact on the 2000 Referendum was a stunning demonstration of this national constituency, and the movement of many of the NCA’s leaders into positions of leadership in the newly formed Movement for Democratic Change (MDC) meant that the government saw the NCA as a major support base for the MDC. In practice, this meant that the civic action of the NCA was treated a threat by the government.

It is important to understand that the NCA had roots right around the country and drew very crucial support from women. In fact, the women’s movement was a key stakeholder in the formation of both the NCA and the MDC. This support was predicated on the desire by women to ensure that gender equality was more firmly enshrined in a constitution than was the case under the Lancaster House Constitution. This desire had been given a boost by the Beijing Conference in 1995, a conference attended by many of the leading feminists in Zimbabwe.<sup>13</sup>

The Beijing Conference was preceded in 1979 by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>14</sup> The Beijing Conference flagged 12 critical areas of risks to women that needed to be addressed, amongst these were *Violence Against Women* and *Women and Armed Conflict*. Zimbabwe only acceded to CEDAW in 1991, at the same time that it acceded to the International Covenant on Civil and Political Rights (ICCPR), International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights (ECOSOC).

Whilst both CEDAW and the Beijing Declaration had very broad aims, it was evident also that violence against women was a deep concern for the feminist movement in Zimbabwe, and that women took very seriously the rights to express themselves in pursuit of the domestication of the rights enshrined in the international instruments noted above.

Thus, women had the expectation that their full participation in civil action would be met by a government intent on meeting its obligations, especially under CEDAW and the Beijing Declaration. This was not the case, as is shown by a 2010 report on violations experienced by the women of the NCA.<sup>15</sup> The report was the result of interviews in 2009 with 231 female

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<sup>13</sup> UNWomen (1995), *Beijing Declaration and Platform for Action*. United Nations. [[https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf?la=en&vs=1203](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=1203)]

<sup>14</sup> The Convention on the Elimination of All Forms of Discrimination against Women. United Nations. 1979. [<https://www.un.org/womenwatch/daw/cedaw/>]

<sup>15</sup> NCA (2009), *Fighting for a New Constitution: Human Rights Violations experienced by Female Members of the National Constitutional Assembly*. Report prepared by RAU. December 2009. Harare: National Constitutional Assembly.

members of the NCA. It should be pointed out it was not merely female members of the NCA that experienced OVT, both men and women experienced these abuses. However, it was also important to draw attention to way women were treated during what were always peaceful demonstrations, as there is always the expectation that including women in protest and demonstration indicates the peaceful intention of these.

Here we can point out how the presence of Archbishop Desmond Tutu and other clerics in demonstrations in South Africa during the 1980s and 1990s were a significant inhibitor of state violence. This does not seem to have had the same effect in Zimbabwe since 2000.

The NCA sample was mostly composed of mature women, the average age being 39 years, mostly married (56%), but a fair number (17%) were widowed. These were not hot-headed youth, therefore.

**Table 1:**  
[Source: NCA.2009]

| <b>Violations alleged by NCA women.</b> | <b>Number [%]</b> |
|---|-------------------|
| Abduction of self or family member      | 108 [47%]         |
| Assault                                 | 185 [80%]         |
| Death threats                           | 204 [88%]         |
| Forced to attend political meeting      | 217 [94%]         |
| Forced to remove underwear              | 23 [10%]          |
| Had house burnt                         | 69 [30%]          |
| Had property destroyed                  | 142 [62%]         |
| Harassed at work                        | 103 [45%]         |
| Held against your will                  | 77 [33%]          |
| Humiliating & degrading treatment       | 94 [41%]          |
| Insults by police officers              | 106 [46%]         |
| Murder of family member                 | 104 [45%]         |
| Political threats                       | 218 [94%]         |
| Rape                                    | 19 [8%]           |
| Refused medical treatment               | 79 [34%]          |
| Refused right to receive food           | 173 [75%]         |
| Refused right to see lawyer             | 30 [13%]          |
| Torture [physical abuse]                | 196 [85%]         |
| Torture [psychological]                 | 197 [85%]         |
| Unlawful detention                      | 68 [29%]          |

In multiple protests and demonstrations, which were peaceful, the women were met with OVT. As can be seen in Table 1 the frequencies of reported violations are very high indeed. In fact, the frequencies of very serious violations such as torture (physical abuse & psychological torture), assault, and death threats are disturbingly high. This study was carried out in 2009 after probably the most violent election in Zimbabwe's history, and hence the women's responses are clearly coloured by their experiences during that election. However, it is possible to distinguish between the effects of elections and the effects of civil protest, deduced from the differences in the frequency of violations experienced by "activists" compared with ordinary members.



**Table 2: Comparing violations against ordinary members & activists (No. & %)**

[Source: NCA.2009]

| Violation                    | Ordinary member  | Activist          |
|------------------------------|------------------|-------------------|
| Assault                      | 33 [69%]         | 152 [83%]         |
| Torture [physical]           | 32 [67%]         | 164 [89%]         |
| Unlawful detention           | 4 [8%]           | 64 [35%]          |
| Insults by police officers   | 12 [25%]         | 94 [51%]          |
| Abductions of self or family | 12 [25%]         | 96 [52%]          |
| Police use of whips          | 16 [33%]         | 91 [50%]          |
| <b>Number of violations</b>  | <b>9.5 [2.9]</b> | <b>10.7 [2.7]</b> |

\*All these differences are statistically significant [ $p=0.001$ ]

It is immediately evident from Table 2 that activist women members of the NCA were at much greater risk of OVT. Activist members were more likely to participate in protests, as well as more likely identified for retribution or intimidation during elections. Activist members were more likely to have more severe abuse than ordinary members, despite not having more types of violation.

The question about the relationship between protest and OVT is partially answered through the data related to where the violation took place: those that took place at “bases” and those that took place at police stations (Table 3).

**Table 3: Place where violation took place**

[Source: NCA. 2009]

It is evident that the likelihood of experiencing OVT is much greater during elections when “bases” are present.<sup>16</sup> This is because the OVT at bases has little scrutiny and was protected by practical impunity: few charges were ever brought against the perpetrators. OVT occurring in police stations has much greater scrutiny, the victims can more easily seek legal and medical support, and hence there are greater inhibitions in perpetrating OVT on the part of the ZRP.

| Violation                           | Base      | Police Station |
|-------------------------------------|-----------|----------------|
| Murder of family member             | 46 [20%]  | 2 [0.9%]       |
| Assault                             | 111 [48%] | 21 [9%]        |
| Physical torture                    | 107 [46%] | 18 [8%]        |
| Psychological torture               | 107 [46%] | 18 [8%]        |
| Rape                                | 13 [6%]   | 1 [0.4%]       |
| Humiliating or degrading treatment  | 53 [23%]  | 13 [6%]        |
| Death threats                       | 75 [32%]  | 15 [7%]        |
| Forced to attend political meetings | 70 [30%]  | 2 [0.9%]       |
| Political threats                   | 77 [33%]  | 7 [3%]         |
| Refused right to receive food       | 36 [16%]  | 12 [5%]        |

This inhibition on the police committing human rights violations in police stations is increased by the deliberate policy of human rights organisations, such as the Human Rights Forum and Zimbabwe Lawyers for Human Rights (ZLHR), of instituting civil actions against state agents such as the police or the army. However, this is only a partial inhibition as has been shown by the propensity for open violence in recent years.<sup>17</sup>

<sup>16</sup> See again Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to “Civil Society and Justice in Zimbabwe: A Symposium”, organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003

<sup>17</sup> ZHRNGOF (2020), *Guns Run Amok. A Review of the 1 August 2018 and 14 January 2019 Crackdown on Civilians by the Security Forces*. Harare: Zimbabwe Human Rights NGO Forum.

**Table 4: Alleged perpetrators of OVT against NCA women (No. & %)**  
 [Source: NCA.2009]

| <b>Perpetrator</b>      | <b>Number [%]</b> |
|-------------------------|-------------------|
| Police [Uniform Branch] | 91 [39%]          |
| Police [Riot Squad]     | 46 [20%]          |
| Police [CID]            | 26 [11%]          |
| Police [PISI]           | 30 [13%]          |
| Youth Militia           | 167 [72%]         |
| War Veterans            | 194 [84%]         |
| Political party members | 216 [93%]         |
| Army                    | 101 [44%]         |

The profile of the alleged perpetrators corresponds to that seen in all other human rights reports. Youth militia (72%), war veterans (84%) and political party members (93%), overwhelmingly ZANU-PF, are the most frequently identified. Amongst the ZRP branches, the Uniformed Branch and the Riot Squad reported more frequently, both obviously implicated in dealing with protests. The ZNA are reported with a high frequency, which probably is related to the 2008 elections, as seen in other human rights reports

Thus, it is evident that an organisation that publicly prides itself on peaceful protest has not received the respect that it deserves from state agents, and, furthermore, receives worse treatment from non-state agents. It is invidious that this OVT is aimed at women, belying the commitment that the government makes to CEDAW or the Beijing declaration.

***Violence against Women of Zimbabwe Arise (WOZA)***

WOZA has until recently been one of the most public women’s organisations protesting for women’s rights, as well as abuses against women. Established in 2003, scarcely a month went past without WOZA mounting a protest in either Harare or Bulawayo, or both. Publicly and continuously espousing the rights to peaceful protest, WOZA members were frequent victims of OVT, some members arrested on multiple occasions.<sup>18</sup>

**Table 5: OVT against WOZA members (No. & %)**  
 [Source: WOZA. 2008 (a)]

| <b>Alleged Violations</b>               | <b>Number [%]</b> |
|---|-------------------|
| Assault                                 | 832 [42%]         |
| Death threats                           | 949 [48%]         |
| Forced to attend political meetings     | 1347 [68%]        |
| Humiliating and degrading treatment     | 1262 [64%]        |
| Insults by ZRP officers                 | 1254 [63%]        |
| Political threats                       | 1544 [78%]        |
| Torture (physical)                      | 647 [33%]         |
| Torture (mental)                        | 732 [37%]         |
| Unlawful detention longer than 48 hours | 741 [37%]         |
| Forced removal of underwear in custody  | 267 [14%]         |

Much a similar picture emerges in respect of WOZA as found for the NCA. Very serious human rights abuses are reported: assault (42%), physical torture (33%), mental torture (37%) and death threats (48%). The frequencies are lower than those reported by the NCA, but the difference is that the members are largely urban and protesting in the urban areas of Harare and Bulawayo. Thus, the WOZA experience documents more clearly the relationship between OVT and protest.

The profile of the perpetrators further supports this view.

<sup>18</sup> WOZA (2008) (a), *The effects of fighting repression with love*. A report by Women of Zimbabwe Arise (WOZA). March 2008. Harare: Women of Zimbabwe Arise.

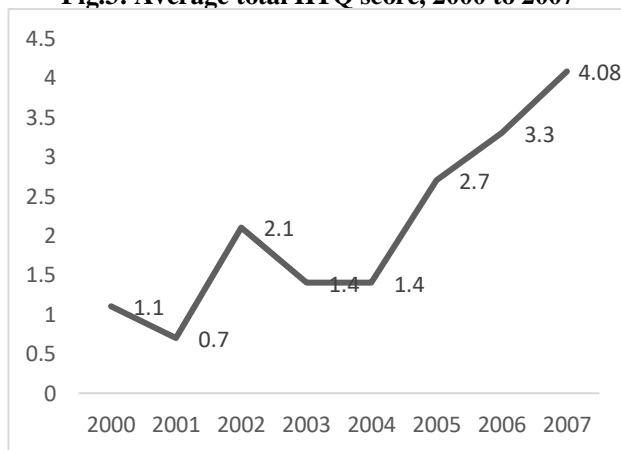
It is immediately evident that the most frequently reported perpetrators mentioned by the NCA women are not the same as those mentioned by the WOZA women. For the WOZA women it is the ZRP most frequently identified: Uniformed Branch (57%), Riot Squad (49%), and the Law-and-Order Section of the CID (28%). This is a profile commensurate with the practices of dealing with protest. The ZRP are more than half (53%) of all perpetrators mentioned. In contrast to the NCA, the WOZA women report the Zimbabwe National Army (ZNA) with very low frequency, 4% as opposed to 44%. This is probably due to the violations experienced by the NCA women during the 2008 election.

**Table 6:**  
[Source: WOZA. 2008 (a)]

| <b>Alleged Perpetrator</b>   | <b>Number [%]</b> |
|--|-------------------|
| Uniformed Branch   | 851 [57%]         |
| ZRP Riot Squad   | 725 [49%]         |
| ZRP CID Law and Order Section  | 416 [28%]         |
| ZANU-PF members  | 366 [25%]         |
| ZRP PISI   | 145 [10%]         |
| War veterans   | 380 [26%]         |
| Youth militia  | 205 [14%]         |
| Members of Presidents Office/Central Intelligence Organisation (CIO) | 97 [7%]           |
| District Administrator   | 78 [5%]           |
| Zimbabwe National Army   | 58 [4%]           |
| Member of Parliament   | 99 [7%]           |
| Provincial Administrator   | 73 [5%]           |
| Traditional leaders  | 380 [26%]         |
| Others   | 180 [12%]         |

One additional issue covered in the WOZA data is the kinds of trauma experienced by these women. In a subsequent report, the WOZA women were administered a trauma questionnaire, the same instrument that was used in the ActionAid study on Operation Murambatsvina.<sup>19</sup>

**Fig.3: Average total HTQ score, 2000 to 2007**



The instrument, the Harvard Trauma Questionnaire (HTQ), measures 17 different types of trauma in two ways: respondents are asked whether they have *experienced* and/or *witnessed* each of the 17 trauma types.<sup>20</sup> The trauma types range from serious events such as torture, rape, and kidnapping (abduction) through to imprisonment, having property destroyed, and deprived of food or medical care. The study also looked at trauma historically.

It is evident that the number of trauma events rises linearly from 2000 to 2007: the WOZA women experienced more trauma as they were more active. There are fluctuations that

<sup>19</sup> ActionAid (2005), *A Study on the Impact of "Operation Murambatsvina/Restore Order" in 26 Wards of Harare High Density Housing Areas*, ActionAid International in Collaboration with Combined Harare Residents Association (CHRA) July 2005; ActionAid (2005), *A Study on the impact of "Operation Murambatsvina/Restore Order" in Zimbabwe*, ActionAid International – Southern Africa Partnership Programme (SAPP-ZIMBABWE) in collaboration with Combined Harare Residents Association (CHRA) and Zimbabwe Peace Project (ZPP), August 2005.

<sup>20</sup> WOZA (2008) (b), *Counting the Costs of Courage. The traumatic consequences of gross human rights violations suffered by WOZA women*. Harare: Women of Zimbabwe Arise.

correspond to election years. The frequency drops in 2001, 2003 and 2004, but increases steadily, year by year, from 2005.

It is also noteworthy that the frequency increases in 2006 and 2007, a non-election period, but a period in which WOZA was very active in protesting, mostly about socio-economic rights, and a period in which Zimbabwe went through enormous hyperinflation.

Finally, it is important to point out that there is a strong relationship between trauma events and subsequent trauma disorders, PTSD, Depression and Anxiety. It was pointed out earlier that psychological disorder was more probable the greater the trauma experienced, with survivors of the liberation war of the 1970s having had worse OVT, and greater likelihood of psychological disorder, than survivors of the election violence between 2000 and 2002.<sup>21</sup> However, this study pointed out also that the victims and survivors of the post-2000 OVT were not likely to be unscathed, and at least 20% of these developed psychological disorder as consequence of their ill-treatment.

The WOZA report suggested that such rates were not found in the women, postulating that the preparations made for managing peaceful protest and the support given, woman-to-woman, ameliorated the suffering. This has been noted in studies elsewhere. It is no consolation that the WOZA women coped with the OVT experienced. The major point must be that there is no possible justification for OVT, and trauma inflicted on women peacefully protesting. Such treatment violates the constitution and is in direct contradiction of the government's endorsement of CEDAW and the Beijing Declaration.

## Conclusions

Overall, this report has demonstrated, mostly using the reports on women activists, that there is no such thing as peaceful protest in Zimbabwe. These case studies corroborate the more general point made earlier (Figure 1), violence against civilians is the most common form of OVT, and this is not merely during elections but extends into the domain of normal civic activity, the right to protest peacefully. Clearly, when a government sees peaceful protest as a threat then something is deeply wrong in that country, and Zimbabwe clearly exemplifies this.

As was pointed out at in the introduction, the right to express oneself through peaceful protest is enshrined in the Zimbabwe Constitution, both explicitly as the right to demonstrate and protest (Section 59) and the right to assembly and association (Section 58). So are the rights to freedom of expression and freedom of the media (Section 61), and the right to freedom of movement and residence (Section 66), protected in the constitution. All of these rights are infringed when the government prevents peaceful protest, but it is clear that the government does allow some persons and groups the exercising of these rights, mainly those who support the ruling party. This is the deeply disturbing nature of Zimbabwean political life: those who are seen as critical of the government will be denied the right to protest, whilst those in support of the government are all too frequently allowed this right.

The government's argument in dealing with protest is that they are not peaceful, and that all the violence that emerges is due to protestors and that the state response is merely to deal with the violence. Whilst this may be true on occasion, it is actually rare that opposition political parties or civil society organisations protest violently, but more common that peaceful protest, such as the Peace March in April 2000, is met with violence. It is also the case that, when protest does become violent (as in August 2018, or in the Food Riots), the state response is

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<sup>21</sup> See again RAU & CSU (2020), *Severity of Violence and the Long-term Effects: Comparison of Survivors of the Liberation War (1972 to 1980) with Survivors of Political Violence (2000 to 2002)*. October 2020. Harare: Research & Advocacy Unit.

disproportionate violence. This was the clear conclusion of the Montlanthe Commission on the violence that took place after the 2018 election.<sup>22</sup>

The polarisation of Zimbabwe society that has deepened since 2000, and the lack of political trust in the state, the government and political parties can only be redressed by the government having trust in its citizens, and there can be no better way, apart from addressing the desperate lives of citizens, than to listen to the voice of the citizenry. Peaceful protest is a way to express the voice of the citizen, and to deny it can only deepen the lack of trust: to deal with protest through coercive means will terminally destroy the trust.

## **Recommendations**

Our recommendations are very simple and derive wholly from the rights provided in the constitution.

- The right to demonstrate and protest must be honoured not in the breach but in the observance. The presumption must be that all demonstrations and protest must be allowed to take place, and the onus is on the authorities to protect peaceful protest and demonstration;
- The rights to assembly and association must also be honoured in their observance. Citizens have a right to assemble to protest or demonstrate, as protests and demonstrations are the peaceful ways in which citizens can express their views on whatever issue concerns them;
- The primary role of the Zimbabwe Republic Police is to provide protection for the citizens of Zimbabwe, and this includes citizens exercising their constitutional rights to protest and demonstrate;
- The government must honour its commitment under the constitution to protect the citizens, to accept criticism from its citizens, and to accept that the time-honoured and democratic method for expressing criticism is through protest and demonstration.

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<sup>22</sup> We did not include any analysis of the Food Riots in 1999 because these clearly were riots, but it is evident that the state response both during and after the riot was disproportionately violent. Here see ZHRNGOF (1998), *Human Rights in Troubled Times: An Initial Report on Human Rights Abuses During and After Food Riots in January 1998*. Harare: Zimbabwe Human Rights NGO Forum; ZHRNGOF (1999), *A Consolidated Report on the Food Riots 19—23 January 1998*, Harare: Zimbabwe Human Rights NGO Forum;